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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/627,600	07/28/2003	Abram Paulus Johannes Fransen	2001-1278	4263

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EXAMINER

KIM, SANG K

ART UNIT	PAPER NUMBER
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3654

DATE MAILED: 10/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/627,600

Applicant(s)

FRANSEN, ABRAM PAULUS
JOHANNES

Examiner

SANG KIM

Art Unit

3654

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 7/28/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (e) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (f) BRIEF SUMMARY OF THE INVENTION.
- (g) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (h) DETAILED DESCRIPTION OF THE INVENTION.
- (i) CLAIM OR CLAIMS (commencing on a separate sheet).
- (j) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (k) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

Claim Objections

Claims 3-5 and 9 are objected to because of the following informalities:

Claim 3, line 19, "a coil" should be --said coil--.

Claim 9, line 5; "set" should be --said set--.

Appropriate corrections are required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the axes" in line 4. There is insufficient antecedent basis for this limitation in the claim.

The terms "a relative large" and "regularly curved" in claim 3 is indefinite and vague. What is considered to be "a relatively large" or "regularly curved"?

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0897765 A1.

With respect to claims 1, 8 and 11, EP '765 shows a frame (see figure 2) having an accommodation for said coil (7,8) and a series of roller members (5, 12, 13), each roller member has an axis and parallel to offset rollers (see figures 3-6), said series of roller members (5, 12, 13) is arranged in accordance with a curved path adjoins an in-feed (C, with respect to claims 8 and 11, between two successive roller members of the series have a center-to-centre distance that is greater than the spacing between the other roller members and a cooling force is introduced through the opening, see figures 4-5) such that the coil (7,8) can be supported by the series of roller members (5, 12, 13) and the material in sheet form can be formed into said coil, the length of each rolling member (see figure 3) being at least smaller than half of the width of said accommodation for said coil (7,8) and successive rollers (5, 12, 13) are offset with respect to one another in the direction of their axis and overlap one another at least partially transversely to their axis, see figures 2-6.

EP '765 discloses the claimed invention except for an out-feed. It would have been obvious to one having ordinary skill in the art at the time the invention was made to change an in-feed into an out-feed in order to uncoil the coil, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

With respect to claims 2 and 6-7, EP '765 shows the curved path extends over more than 180 degree; the series of rollers is arranged a curvature of essentially 360 degrees; and the series has a lower section (bottom section supporting the coil) that is curved through more than 180 degrees, see figure 2.

With respect to claims 3 and 5, EP '765 shows the series of roller members (5, 12, 13) comprises at least two sections which can be moved relative to one another between a position in which the series of roller members is curved and hinged apart to create a distance apart from a coiled section, on page 6, lines 35-55, and figure 2.

With respect to claim 4, EP '765 shows wherein one section of the series (bottom portion) is fixed with respect to the frame another section (top portion) is movable, on page 6, lines 33-55, and figure 2.

With respect to claims 9-10, EP '765 shows a set rollers members positioned in accordance with a straight path (near the in-feed) which said set adjoins the curved series, see figures 4-5.

Claims 1-2 and 6-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coast, U.S. Patent No. 3671033.

With respect to claims 1, 8 and 11, Coast '033 shows a frame (see figure 4) having an accommodation for said coil (no reference number, see figure 4) and a series of roller members (15), each roller member has an axis and parallel to offset rollers (see figures 3-5), said series of roller members (15) is arranged in accordance with a curved path adjoins an in-feed (no reference nubmer, with respect to claims 8 and 11, between two successive roller members of the series have a center-to-centre distance that is greater than the spacing between the other roller members and a cooling force is introduce through the opening, see figures 4-5) such that the coil (see figure 4) can be supported by the series of roller members (15) and the material in sheet form can be

Art Unit: 3654

formed into said coil, the length of each rolling member (see figure 3) being at least smaller than half of the width of said accommodation for said coil (see figure 4) and successive rollers (15) are offset with respect to one another in the direction of their axis and overlap one another at least partially transversely to their axis, see figures 3-5.

Coast '033 discloses the claimed invention except for an out-feed. It would have been obvious to one having ordinary skill in the art at the time the invention was made to change an in-feed into an out-feed in order to uncoil the coil, since it has been held that a mere reversal of the essential working parts of a device involves only routine skill in the art. *In re Einstein*, 8 USPQ 167.

With respect to claims 2 and 6-7, Coast '033 shows the curved path extends over more than 180 degree; the series of rollers is arranged a curvature of essentially 360 degrees; and the series has a lower section (bottom section supporting the coil) that is curved through more than 180 degrees, see figure 4.

With respect to claims 9-10, Coast '033 shows a set rollers members positioned in accordance with a straight path (near the in-feed) which said set adjoins the curved series, see figures 4-5.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SANG KIM whose telephone number is 703-305-3712.

Art Unit: 3654


The examiner can normally be reached Monday through Friday from 8:00 A.M. to 5:30 P.M. alternating Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki, can be reached on (703) 308-2688. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SK

9/26/04


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